

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA)	
)	No. 2:18-cr-63
v.)	
)	
RASHAUN COLEMAN et al.)	

Motion of the United States for Protective Order

Comes now the United States of America, by Thomas L. Kirsch II, United States Attorney for the Northern District of Indiana, and hereby moves the Court for entry of a protective order pursuant to Fed. R. Crim. P. 16(d)(1), and Title 18, United States Code, Section 2518(8)(b). In support of its motion, the government states:

The Indictment charges the defendants with utilizing false prescriptions to obtain Schedule V controlled substances from pharmacies which contained the DEA Registration numbers of doctors in the Chicago and Northwest Indiana area. In doing so, hundreds of false prescriptions were made utilizing the identities of many different people as customers. Each of the prescriptions has information including date of birth of the alleged patient, home address, and other personal information. While the Government has not confirmed whether all of this information is fabricated or whether some of these prescriptions contained actual birth dates and other personal information, out of an abundance of caution the Government is asking that the discovery in this case which includes approximately 1800 pages of documents be placed under a protective order to protect the identities and personal information of

anyone whose identity was utilized as part of the scheme to obtain controlled substances.

Under Fed. R. Crim. P. 16(d), upon a sufficient showing, a court may enter a protective order denying, restricting, or deferring discovery, or may “make such other order as is appropriate.” *See also United States v. Bin Laden, et al.*, 58 F. Supp.2d 113, 116 (S.D.N.Y. 1999). The decision whether or not to enter a protective order under Rule 16 is a matter for the discretion of the district court and will not be disturbed on review absent an abuse of that discretion. *See United States v. Siegel, et al.*, 1997 WL12804 * 2 (S.D.N.Y. 1997).

The Supreme Court has made clear that a trial court may issue an enforceable protective order that specifically prohibits unwarranted disclosure by a defendant or his counsel of discovery information. *Alderman v. United States*, 394 U.S. 165, 185 (1969) (discussing former Fed. R. Crim. P. 16(e) now embodied in Rule 16(d)(1)). In *Alderman*, the Court noted that “the trial court can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials they may be entitled to inspect.” *Id.*

The proposed protective order submitted with this motion should be entered in this case to protect those whose identity and personal information may have been used during the scheme without their knowledge and to ensure that there is not more widespread abuse of the DEA Registration numbers utilized on each of the fake prescriptions.

The government would further request that any discovery tendered pursuant to the requested protective order be ordered returned to the Government at the conclusion of any court proceedings in this district.

WHEREFORE, the government requests that Court enter the proposed protective order submitted with this motion.

Respectfully submitted,

THOMAS L. KIRSCH II
UNITED STATES ATTORNEY

BY: /s/ Thomas M. McGrath
Thomas M. McGrath
Assistant United States Attorney
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
Tel: (219) 937-5500
Fax: (219) 852-2770
E-mail: Thomas.M.McGrath@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Mark Psimos
Counsel for the Defendant

/s/Thomas M. McGrath
Thomas M. McGrath
Assistant U.S. Attorney
U.S. Attorney's Office
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
(219) 937-5500